

## RESOLUTION NO. A-\_\_\_\_\_

## SPECIAL PERMIT NO. 1808A

1 WHEREAS, NEBCO, Inc. has submitted an application designated as  
2 Special Permit No. 1808A for authority to amend Fallbrook Community Unit Plan to  
3 increase the lot size and change two single family lots into two single family attached lots  
4 which creates two additional dwelling units and to waive the front, side, and rear yard  
5 setbacks for main and accessory buildings in the R-3 zoning district on property located  
6 at N. 1st Street and Fallbrook Boulevard, and legally described to wit:

7 Outlots A, B, G, H, I, J, M, O, Q, R, T, and V; Lots 1 through  
8 13, Block 10; Lots 1 through 9, Block 12; Lots 1 and 2, Block  
9 13; Lots 1 through 8 and Lots 10 through 15, Block 11; all of  
10 Fallbrook Addition, and a portion of Lot 8 I.T., all located in the  
11 South half of Section 34, Township 11 North, Range 6 East,  
12 Lancaster County, Nebraska;

13 WHEREAS, the real property adjacent to the area included within the site  
14 plan for this community unit plan will not be adversely affected; and

15 WHEREAS, said site plan together with the terms and conditions hereinafter  
16 set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal  
17 Code to promote the public health, safety, and general welfare.

18 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
19 Lincoln, Nebraska:

20 That the application of NEBCO, Inc., hereinafter referred to as "Permittee",  
21 to amend Fallbrook Community Unit Plan to increase the lot size and change two single  
22 family lots into two single family attached lots which creates two additional dwelling units,

1 on the property legally described above, be and the same is hereby granted under the  
2 provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon  
3 condition that construction and operation of said dwelling units be in strict compliance with  
4 said application, the site plan, and the following additional express terms, conditions, and  
5 requirements:

6 1. This permit approves 316 dwelling units and variances to front, side,  
7 and rear yard setbacks as indicated by building envelopes.

8 2. Before receiving building permits:

9 a. The Permittee must submit a revised final plan including five  
10 copies to the Planning Department.

11 b. The construction plans must conform to the approved plans.

12 c. Final plats within the area of this community unit plan must be  
13 approved by the City.

14 3. Before occupying the dwelling units all development and construction  
15 must be completed in conformance with the approved plans.

16 4. All privately-owned improvements must be permanently maintained  
17 by the owner or an appropriately established homeowners association approved by the City  
18 Attorney.

19 5. The site plan approved by this permit shall be the basis for all  
20 interpretations of setbacks, yards, locations of buildings, location of parking, and circulation  
21 elements, and similar matters.

22 6. The terms, conditions, and requirements of this resolution shall be  
23 binding and obligatory upon the Permittee, its successors, and assigns. The building

1 official shall report violations to the City Council which may revoke the special permit or  
2 take such other action as may be necessary to gain compliance.

3 7. The Permittee shall sign and return the City's letter of acceptance to  
4 the City Clerk within 30 days following approval of the special permit, provided, however,  
5 said 30-day period may be extended up to six months by administrative amendment. The  
6 City Clerk shall file a copy of the resolution approving the special permit and the letter of  
7 acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the  
8 Permittee.

9 8. The site plan as approved with this resolution voids and supersedes  
10 all previously approved site plans, however all resolutions approving previous permits  
11 remain in force unless specifically amended by this resolution.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Staff Review Completed:

\_\_\_\_\_  
Administrative Assistant

Approved this \_\_\_\_ day of \_\_\_\_\_, 2001:

\_\_\_\_\_  
Mayor